

U.S. Application No. 09/914,407
Reply to Office Action dated June 29, 2006

PATENT
450108-02924

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-50 are pending in this application. Claims 1-50 have been rejected in the Office Action. Claims 51-81 have been previously canceled. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-50 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,206,750 to Barad, et al. in view of PCT World Publication No. WO 99/32203 to Schorr, et al.

Claim 1 recites, *inter alia*:

“..... question data transmission means for transmitting question data regarding changeable items in said software of said virtual creature ...

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wherein the changeable items include internal conditions,
which include an action configuration program and at least one
of an emotional tendency or an instinct tendency,

wherein the emotional tendency comprises an emotion
model having a plurality of parameters storing a strength of
each emotional tendency,

wherein the instinct tendency comprises an instinct model
having a plurality of parameters storing a strength of each
instinct tendency, and

wherein the action configuration program comprises a
probability automaton to determine a next action ..."

As understood by Applicant, over U.S. Patent No. 6,206,750 to Barad, et al.
(hereinafter, merely "Barad") relates to the manufacturing and marketing of a personalized toy
through the use of computer screen images. A user viewing the displayed images is allowed to
record a selected configuration of a component to be assembled as part of the personalized toy.
A representational image of the toy incorporating the selected configuration may be displayed.

As understood by Applicant PCT World Publication No. WO 99/32203 to Schorr
et al. (hereinafter, merely "Schorr") relates to an interactive toy having an adaptive personality
and utilizing artificial intelligence which responds to the user and which has learning
capabilities.

Applicant submits that Barad and Schorr, taken alone or in combination, fail to
teach or suggest the above identified features of claim 1. Specifically, Applicant submits Barad
and Schorr fail to teach or suggest that the changeable items include internal conditions, which
include an action configuration program and at least one of an emotional tendency or an instinct
tendency, wherein the emotional tendency comprises an emotion model having a plurality of
parameters storing a strength of each emotional tendency, wherein the instinct tendency

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comprises an instinct model having a plurality of parameters storing a strength of each instinct tendency, as recited in claim 1.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claims 6, 11, 16, 21, 26, 31, 36, 41, and 46 are also patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

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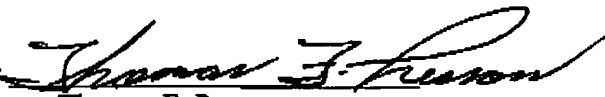
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In view of the remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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